

### **REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claim 1-19 are pending in the application. Of these, claims 1-3 and newly added claims 12-19 are directed to elected subject matter. The remaining claims stand withdrawn.

#### **Discussion of Amendments to the Claims**

Claims 1 and 3 have been amended in order to more particularly point out and distinctly claim that which applicants regard as their invention and direct them to preferred aspects of the disclosure. Specifically, the presence of  $\text{Li}_2\text{O}$  has been excluded from claims 1-3 consistent with the description of the invention given on page 13 of the specification.

In addition, eight new claims have been added.

Claims 12-17 are directed to an information recording medium having an information recording layer formed on the substrate of claims 2-7, respectively. These are similar to claim 9, now withdrawn from consideration.

Claim 18 finds basis in the description at page 11, lines 16-18 and claim 19 finds basis in the description at page 16, line 32 to page 17, line 7.

In summary, all of the claims now under active consideration exclude the presence of  $\text{Li}_2\text{O}$  in the glass composition.

#### **Response to Prior Art-Based Rejections**

In the Office Action, page 3, numbered paragraph 7, the Examiner states that claims 1 to 3 are rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Nakashima et al (US 6387510).

The glass of Nakashima et al contains  $\text{Li}_2\text{O}$  as an essential component (for example, see claim 1 of Nakashima et al).

In order to distinguish the present invention from Nakashima et al, claim 1 is above amended by adding a limitation that the glass recited in claim 1 does not contain any  $\text{Li}_2\text{O}$ . This limitation is supported by the specification, page 13, penultimate paragraph.

$\text{Li}_2\text{O}$  is a component that precipitates on a glass surface to a greater extent than  $\text{K}_2\text{O}$  and  $\text{Na}_2\text{O}$ , and that works to decrease the glass transition temperature to a greater extent than  $\text{K}_2\text{O}$  and  $\text{Na}_2\text{O}$ . The present invention employs a glass that is free of  $\text{Li}_2\text{O}$  for increasing the glass transition temperature in order to improve the glass in heat resistance. As a result, the heat

resistance of the glass is improved and the precipitation of an alkali on a glass surface is decreased.

In contrast, the cited Nakashima et al reference adds at least 1 mol% of  $\text{Li}_2\text{O}$  as an essential component for increasing the Young's modulus of their glass. Therefore, the present invention as defined in applicants' amended and new claims differs from the invention of Nakashima et al and the present invention is not at all obvious over the Nakashima et al reference that does not disclose a glass free of  $\text{Li}_2\text{O}$ . Therefore, the present invention is unobvious and patentable over the Nakashima et al reference.

In the Office Action, paragraph 8, the Examiner states that claims 1 to 3 are rejected under 35 USC 103(a) as being unpatentable over Nakashima et al reference taken with Miyamoto (US 6395634).

The Nakashima et al reference is as explained in detail in the above comments and they apply here as well.

The Miyamoto reference is cited for its disclosure of an etching rate of a glass that is not disclosed in the Nakashima et al reference. Since, however, the Nakashima et al reference fails to disclose any glass free of  $\text{Li}_2\text{O}$ , the present claims 1 to 3, 12-19 cannot be arrived at from a combination of the Nakashima et al reference with the Miyamoto reference.

For the above reasons it is respectfully submitted that the claims are free of the prior art and are in condition for allowance.

#### Response to Double Patenting Rejection

Claims 1-3 are rejected under the judicially created doctrine of obviousness-type double patenting, the examiner urging that these claims are unpatentable over claims 1-4 of co-pending application Serial No. 10/532,863. This application is assigned to the assignee of the present application and submitted with this response is a Terminal Disclaimer thereby resolving this issue. In addition, submitted herewith is an Information Disclosure Statement in which this pending application is referred to by its publication number as noted by item 9 of the current Official Action.

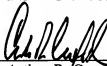
Having addressed and resolved all of the issues raised in the outstanding Official Action, favorable reconsideration and allowance are solicited. Should the examiner require further information, please contact the undersigned.

IKENISHI, M. et al.  
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Respectfully submitted,

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